



COMBINED DECLARATION AND POWER OF ATTORNEY FOR PATENT APPLICATION

As a below-named inventor, I hereby declare that:

My residence, post office address and citizenship are as stated next to my name. I believe I am an original, first and joint inventor of the subject matter which is claimed and for which a patent is sought on the invention entitled **DEVICE AND METHOD FOR DETERMINING ANALYTE LEVELS**, the specification of which is attached hereto. I hereby state that I have reviewed and understand the contents of the above-identified specification, including the claims, as amended by any amendment referred to above.

I acknowledge the duty to disclose information which is material to the examination of this application in accordance with Title 37, Code of Federal Regulations, § 1.56(a).

I hereby declare that all statements made herein of my own knowledge are true and that all statements made on information and belief are believed to be true; and further that these statements were made with the knowledge that willful false statements and the like so made are punishable by fine or imprisonment or both, under § 1001 of Title 18 of the United States Code and that such willful false statements may jeopardize the validity of the application or any patent issued thereon.

POWER OF ATTORNEY

As a named inventor, I hereby appoint the firm of MEDLEN & CARROLL, LLP, a firm comprised of:

Virginia S. Medlen	<u>32,050</u>	Peter G. Carroll	<u>32,837</u>	Kamrin T. MacKnight	<u>38,230</u>
Cynthia Soumoff	<u>38,314</u>	Diane E. Ingolia	<u>40,027</u>	Donald W. Wyatt	<u>P-40,879</u>

as my attorneys to prosecute this application and transact all business in the Patent and Trademark Office connected therewith:

Please direct all correspondence and telephone calls regarding this application to:

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Date: 5/5/97
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PATENT
Attorney Docket No. MARKWELL-02677

Applicant / Patentee: Mark C. Shults *et al.*

For: **DEVICE AND METHOD FOR DETERMINING ANALYTE LEVELS**

**VERIFIED STATEMENT (DECLARATION) CLAIMING SMALL ENTITY STATUS
(37 CFR § 1.9(f) - INDEPENDENT INVENTOR)**

As the below-named inventors, we hereby declare that we qualify as independent inventors as defined in 37 CFR § 1.9(c) for purposes of paying reduced fees under §§ 41(a) and (b) of Title 35, United States Code, to the Patent and Trademark Office with regard to the invention entitled **DEVICE AND METHOD FOR DETERMINING ANALYTE LEVELS** described in the specification filed herewith.

We have not assigned, granted, conveyed or licensed and am under no obligation under contract or law to assign, grant, convey or license, any rights in the invention to any person who could not be classified as an independent inventor under 37 CFR § 1.9(c) if that person had made the invention, or to any concern which would not qualify as a small business concern under 37 CFR § 1.9(d) or a nonprofit organization under 37 CFR § 1.9(e).

We acknowledge the duty to file, in this application or patent, notification of any change in status resulting in loss of entitlement to small entity status prior to paying, or at the time of paying, the earliest of the issue fee or any maintenance fee due after the date on which status as a small entity is no longer appropriate. (37 CFR § 1.28(b)).

We hereby declare that all statements made herein of my own knowledge are true and that all statements made on information and belief are believed to be true; and further that these statements were made with the knowledge that willful false statements and the like so made are punishable by fine or imprisonment, or both, under Section 1001 of Title 18 of the United States Code, and that such willful false statements may jeopardize the validity of the application, any patent issuing thereon, or any patent to which this verified statement is directed.

Date: 5/5/97

Mark C. Shults

Mark C. Shults

Date: 5/5/97

Stuart J. Updike

Stuart J. Updike

Date: 5/5/97

Rathbun K. Rhodes

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